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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,225	04/08/2004	Takeshi Nakamura	041465-5223	6918

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EXAMINER

CHIO, TAT CHI

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,225

Applicant(s)

NAKAMURA ET AL.

Examiner

TAT CHI CHIO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/26/2007 have been fully considered but they are not persuasive.

The applicant argues that Okada does not disclose or suggest the feature of a "secondary storage control device" as particularly described in independent claim 1 of the instant application. More particularly, the secondary storage control device of independent claim 1 detects, as archived recording programs, broadcasting programs having higher priorities.

In response, the examiner respectfully disagrees. Okada teaches the feature of detecting as archived recording programs, broadcasting programs having higher priorities in [0099], which states that the five programs of highest priority are predicted from statistic data in the list. Therefore, Okada teaches detecting as archived recording programs, broadcasting programs having higher priorities.

The applicant argues that Aratani does not teach "a primary storage control device which detects, as regular recording programs, several broadcasting programs which may be received as broadcasting video signals by the receiving device among the broadcasting programs according to the priorities assigned by the broadcasting program detecting device, and acquires broadcasting video signals of the regular recording programs from the receiving device, and causes the broadcasting video signals to be recorded in the primary storage device."

In response, the examiner respectfully disagrees. Aratani illustrates the recording process in Figure 15A and Figure 15B, and describes the priorities for recording the broadcasting programs in column 8 and lines 15-50. Aratani describes a preferred score is assigned to the broadcasting programs according to some criteria such as listening/viewing history condition, and then the device records the programs according to the preferred score as illustrated in Figure 15B.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US 2001/0028785 A1) in view of Aratani (US 7,137,136 B1).

Consider claims 1 and 14, Okada teaches a video recording apparatus, comprising: a primary storage device which carries out recording (2 of Fig.2 and [0073]); a secondary-storage device (3 of Fig. 2 and [0045]); a receiving device which receives a plurality of broadcasting video signals simultaneously (1 of Fig. 14); a preference information detecting device which detects user's preference information (16 of Fig. 2 and [0081]-[0086]); a broadcasting program detecting device which detects broadcasting programs while assigning priorities to the broadcasting programs according to the preference information (17 of Fig. 2 and [0081]-[0086]); a secondary

storage control device which detects, as archived recording programs, broadcasting programs having higher priorities among the priorities assigned by the broadcasting program detecting device, and acquires broadcasting video signals of the archived recording programs from the receiving device, and causes the broadcasting video signals to be recorded in the secondary storage device (10 and 13 of Fig. 2, Fig. 5-Fig. 7, and [0097]-[0099]) and a primary storage control device (10 and 12 of Fig. 2).

However, the primary storage device disclosed in Okada stores broadcast video images at all times, therefore, fails to detect, as regular recording programs, several broadcasting programs which may be received as broadcasting video signals by the receiving device among the broadcasting programs according to the priorities assigned by the broadcasting program detecting device, and acquires broadcasting video signals of the regular recording programs from the receiving device, and causes the broadcasting video signals to be recorded in the primary storage device.

Aratani teaches a primary storage control device which detects, as regular recording programs, several broadcasting programs which may be received as broadcasting video signals by the receiving device among the broadcasting programs according to the priorities assigned by the broadcasting program detecting device, and acquires broadcasting video signals of the regular recording programs from the receiving device, and causes the broadcasting video signals to be recorded in the primary storage device (Fig. 10A, Fig. 10B, Fig. 15A, Fig. 15B, col. 8, lines 15-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the program reservation and recording method to improve

the recording system of Okada for the predictable result of saving storage space and decrease processing burden of the device.

Consider claim 2, Okada teaches the video recording apparatus, wherein the broadcasting program detecting device includes an input device which accepts the broadcasting program which is designated by the user as a designated recording program, and when the designated recording program has been accepted, the secondary storage control device detects the designated recording program as the archived recording program at the time of broadcasting the designated recording program ([0083]-[0086]).

Consider claim 3, Aratani teaches the video recording apparatus, wherein the primary storage control device detects the regular recording program for several amount of the broadcasting video signals which are capable of being received by the receiving device at the time when any one of the regular recording program ends (Fig. 15A and Fig. 15B, when the recording of the reserved program ends, the user is able to input another action code to start recording of the reserved program).

Consider claim 4, Okada and Aratani teach the video recording apparatus, wherein the secondary storage control device includes a secondary storage schedule creating device which creates secondary storage schedule data of recording reservations with respect to the whole archived recording programs over a predetermined period at a predetermined time, and an acquiring device which acquires the broadcasting video signals of the archived recording programs from the receiving device according to the secondary storage schedule data and causes them to be

recorded in the secondary storage device (Fig. 12 and [0085]-[0086 of Okada]); and wherein the primary storage control device includes a primary storage schedule creating device which creates primary storage schedule data of recording reservations with respect to the whole regular recording programs over the predetermined period at the predetermine time, and an acquiring device which acquires the broadcasting video signals of the regular recording programs from the receiving device according to the primary storage schedule data and causing them to be recorded in the primary storage device (Fig. 9 of Aratani and col. 13, lines 37-42 of Aratani).

Consider claim 5, Okada and Aratani teach the video recording apparatus, wherein the primary and secondary storage schedule data are stored as a schedule database (Fig. 12 of Okada and Fig. 9 of Aratani).

Consider claim 6, Okada teaches the video recording apparatus, wherein when the designated recording program is newly accepted by the input device, the primary and secondary storage schedule creating device updates the primary and secondary schedule data (Fig. 9).

Consider claim 8, Okada and Aratani teach the video recording apparatus, wherein the secondary storage control device stores the program information with respect to the archived recording program of which the broadcasting video signals are recorded by the secondary storage device as a secondary storage database (Fig. 12 of Okada); and wherein the primary storage control device stores the program information with respect to the regular recording program of which the broadcasting video signals

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are recorded by the primary storage device as a primary storage database (Fig. 9 of Aratani).

Consider claim 10, Aratani further teaches the video recording apparatus, wherein the primary storage device records the broadcasting video signal of the regular recording program by multiplexing it (col. 3, lines 50-61 and Fig. 1B).

Consider claim 11, Okada teaches the video recording apparatus, further comprising: an instructing device which instructs the primary storage device to read the broadcasting video signals of any one of recording program of the regular recording programs which were recorded in the primary storage device as the broadcasting video signals (5 of Fig. 1); and a providing device which provides the broadcasting video signals of the recording program, which has been read from the primary storage device, to a monitor for reproduction for display (10 and 12 of Fig. 2 and [0078]); wherein the secondary storage control device causes the broadcasting video signals of the recording program, which has been read from the primary storage device, to be recorded in the secondary storage device (10 and 13 of Fig. 2 and [0078]).

Consider claim 12, Aratani further teaches the video recording apparatus, wherein the broadcasting program detecting device includes an acquisition device which acquires the program information of each of the broadcasting programs (col. 8, lines 19-29); and an evaluation device which calculates the evaluation values for each of the broadcasting programs according to the program information and preference information of the each broadcasting program, and assigns the priorities according to

the order that the evaluation values are high to the each broadcasting program (col. 8, lines 30-50).

Consider claim 13, Aratani teaches the video recording apparatus, wherein the primary storage control device excludes the archived recording programs from the regular recording programs (Fig. 15A).

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US 2001/0028785 A1) in view of Aratani (US 7,137,136 B1) as applied to claim 1 above, and further in view of Nozaki et al. (US 6,243,353 B1).

Consider claim 7, Okada and Aratani teach all the limitations in claim 1 but fails to teach the video recording apparatus, wherein the secondary storage control device includes a determining device which determines whether a remaining recording capacity of the recording medium in the secondary storage device is equal to or below a specified value, and notifying device which notifies an exchange of the recording medium-when it is determined that the remaining recording capacity is equal to or below the specified value by the determining device.

Nozaki et al. teach the video recording apparatus, wherein the secondary storage control device includes a determining device which determines whether a remaining recording capacity of the recording medium in the secondary storage device is equal to or below a specified value, and notifying device which notifies an exchange of the recording medium-when it is determined that the remaining recording capacity is equal to or below the specified value by the determining device (Fig. 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to determine and notify the user of insufficient capacity of the recording medium so that the user is aware of insufficient capacity of the recording medium.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US 2001/0028785 A1) in view of Aratani (US 7,137,136 B1) as applied to claims 1 and 8 above, and further in view of Rodriguez et al. (US 2003/0002862 A1).

Consider claim 9, Okada and Aratani teach all the limitations in claim 1 but fail to teach the video recording apparatus, wherein the program information stored in the secondary storage database contains an identification code of the recording medium which was used for the recording at the secondary storage device.

Rodriguez et al. teach the video recording apparatus, wherein the program information stored in the secondary storage database contains an identification code of the recording medium which was used for the recording at the secondary storage device ([0080]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to label the removable media of the secondary storage device to help the user identify the media.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 8:30 AM-6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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